

City Council Chamber, City Hall, Tuesday, April 6, 2004

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, April 6, 2004, with Mayor Bill White presiding and with Council Members Toni Lawrence, Carol M. Galloway, Mark Goldberg, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Paul Bibler, Senior Assistant City Attorney, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Marty Stein, Agenda Director present. Council Member Ada Edwards out of the city on city business.

At 1:47 p.m. Mayor White stated that Council would begin with presentations and called on Council Member Garcia. Council Member Garcia stated that having a car stolen causes much inconvenience and for some a dramatic impact and he was proud there was local leadership taking ownership of the issue and bringing creative initiatives and invited Lt. Victor Rodriguez, with the Houston Police Auto Theft Division, to the podium and presented him a Proclamation for the Houston Police Auto Theft Division hosting the Texas Automobile Theft Prevention Authority 10th Annual Training Conference April 5th-7th, 2004, congratulated and commended organizers and participants and proclaimed April 5th-7th, 2004 as "Texas Automobile Authority Theft Prevention Days", in Houston, Texas. Lt. Rodriguez thanked the Mayor for the Proclamation and for attending their conference; thanked Council Members Garcia and Khan for attending the conference and enhancing the stature and enjoyment; and stated that the international project was starting with Central American countries and the first of such in the nation and designed to locate cars south of the border. Council Members Galloway, Holm, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent.

Mayor White stated that it was his pleasure to recognize a couple more Houston Champions; that today he would be recognizing the Westbury Christian Academy and Northeast Christian Academy and invited Council Members Wiseman and Goldberg to the podium. Mayor White invited the Northeast Christian Academy Warriors to the podium and stated that everyone was very proud of them; that they captured their third straight Texas Association of Private and Parochial School State Basketball Championship; congratulated the team, coaches, students and alumna and proclaimed Tuesday, April 6, 2004, as "High School Boys Basketball Champions Northeast Christian Academy Warriors Day", in Houston, Texas.

Mayor White then invited those with Westbury Christian Academy to the podium and stated that the Westbury Christian Academy Wildcats Boys Basketball Team won the Texas Association of Private and Parochial School State Finals; that they had become a state powerhouse finish; congratulated the team, coaches, students and alumna and proclaimed Tuesday, April 6, 2004, as "High School Boys Basketball Champions Westbury Christian School Wildcats Day", in Houston, Texas. Council Members Sekula-Gibbs and Berry absent.

Council Member Goldberg stated that the American Society of Landscape Architects did a lot for the community; that they were active in neighborhoods, served on boards and commissions and civic clubs and were active in land planning and read a Proclamation which proclaimed April 2004 as "Landscape Architects Month", in Houston, Texas; and invited the Section Chair of the American Society of Landscape Architects, Mr. Chip Perry to the podium and presented him the proclamation. Council Members Sekula-Gibbs and Berry absent.

At 2:04 p.m. Mayor White called the meeting to order and Council Member Wiseman led all in the prayer and in the pledge of allegiance. Council Members Sekula-Gibbs and Berry absent.

At 2:06 p.m. the City Secretary called the roll. Council Member Edwards out of the city on city business. Council Members Sekula-Gibbs and Berry absent.

Council Members Garcia and Quan moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none Council Member Edwards out of the city on city business. Council Members Sekula-Gibbs and Berry absent. MOTION ADOPTED.

Council Member Lawrence invited firefighters Jason Martines and Jason Kwas to the podium and stated that early Sunday morning in District A there was a tragedy with a large fire injuring three officers, Captain James Walterbach was in the hospital needing prayers, Captain Robert Smith had burned hands, knees and face and firefighter Eddie Parrot had shoulder injuries; that the two firefighters present graduated with firefighter Kevin Wayne Kulow who lost his life and she invited them to take over at the podium. One of the firefighters stated that they were present to present Council and their Aids with memorial ribbons in honor of their fallen firefighter Kevin Kulow; that the orange ribbon represented their class color for Fire Class 23 and they asked that everyone keep their prayers for the Kulow family and for all firefighters in the Houston Fire Department. Council Member Garcia stated that he understood it would be extremely difficult for them right now but it was an honorable career they had chosen and the City of Houston and citizens were feeling for them and for the family of their brother firefighter; that it would never get easier, but he would ask them to move their profession forward as a way to pay homage to their brother and to his family. Mayor White stated that he visited with Kevin's family and met with others there and one thing he could not forget was how his wife said he knew the risks of being a firefighter, but he knew it took a special type of person and he wanted to make a difference; that his dad and brother were firefighters and wife had EMS training and they knew life was about helping other people; that his children were proud of him and all those from his class who gathered around were family too, but he wanted all to know that the Fast Track Training Program was the toughest there was; that the Houston Fire Department was his dream because they were the best and they too were part of the best; that he thanked them for reminding all to keep them in their prayers; and invited them behind the Council table and they presented ribbons to all. Council Member Lawrence stated that she visited the fire stations and all 12 were a part of her family and she took it very personal; that she was privileged to be at the salute Sunday morning as the firefighter left in the ambulance and it was very touching; that her heart went out to all and she wanted to thank every firefighter who was willing to put their lives on the line for others. Council Members Sekula-Gibbs and Berry absent.

Mayor White stated that he would ask the Agenda Director and Mayor Pro Tem to remind the Chair if need be tomorrow, as elected officials did want to attend the funeral. Council Members Sekula-Gibbs and Berry absent.

Council Member Garcia moved that the rules be suspended for the purpose of hearing the following speakers out of order at the top of the three minute speakers, Ms. Christine Sagsetter, Mr. Peter Brown, Ms. Marci Perry, Mr. Tom McKittrick, Ms. Polly Ledvina, Mr. Ron Shoup, Ms. Sandra Anderson, Ms. Sharelle Poth, Ms. Ruth Datz, and Ms. Alice Kuchera, seconded by Council Member Goldberg. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Members Lawrence, Wiseman, Ellis and Berry absent. MOTION 2004-0335 ADOPTED

Mayor White requested the City Secretary to call the speakers. Council Members Lawrence, Wiseman, Ellis and Berry absent.

Mr. Herb Yambra, P. O. Box 1534, Spring, Texas 77383 (281-440-3629) appeared and spoke in favor of Item 12, stating that he was asking for Council's support of a resolution opposing remote control operations for locomotives in Houston; thanked all who helped and stated that it was an important safety issue. Council Members Wiseman, Ellis and Berry absent.

Council Member Alvarado thanked Mr. Yambra for his patience and stated that she thanked Mayor White for placing the item on the Agenda and she appreciated him raising issues as it related to rail safety. Council Members Wiseman, Ellis and Berry absent.

Mayor White stated that he read it and reviewed it and thanked Council Member Alvarado for asking him; that his position was that trains parked across streets endangering the public and he did not want to find out a machine was driving the train; that you don't take people off a broken system and he would appreciate any assistance from professionals in dealing with the issue. Council Members Wiseman, Ellis and Berry absent.

Mr. Perry Briggs, 7083 Baker Blvd., Richland, Texas 76118 (903-456-2949) appeared and spoke in favor of Agenda Item 12, stating that the resolution would enhance safety for the City of Houston and lend their voice to the 50 other communities who passed similar resolutions and it would be a powerful message to the Federal Railroad Administration; and urged passage of the resolution. Council Members Goldberg, Wiseman, Garcia, Ellis and Berry absent.

Mr. Lon Vasquez, 1704 Webber, Houston, Texas 77007 (713-864-5667) appeared and stated that he had a speech but that was not what he wanted to say now and instead there was a wonderful police officer named Officer Rick, he was intillegent, he listened, he was great and he was a bicycle cop, but he did hope the Mayor would do something about a cop who was not so good and he would like to give them what he was going to say and have it entered into the record without going through the nasty talk. Council Members Goldberg, Garcia, Ellis, Sekula-Gibbs and Berry absent.

Mayor White stated that he appreciated him providing the information and could present it to Mr. Cantu. Council Members Goldberg, Garcia, Ellis, Sekula-Gibbs and Berry absent.

Ms. Heidi Sweetnam, 3015 Richmond #201, Houston, Texas 77098 (713-522-0590) appeared and stated that she was executive director with Blue Print Houston and was present regarding the HGAC Regional Transportation Plan and asked if the other speakers with her could come and stand at the podium. Ms. Sweetnam stated that Blue Print Houston was a nonprofit and nonpartisan organization that supported coordinated planning for Houston's future with strong citizen participation; that they recognized the importance of the 2025 Regional Transportation Plan and the impact it would have on the future growth of the region, unfortunately it did not include sufficient information for the public to comment on in a meaningful manner; that it was not a user friendly plan as it did not include sufficient information for the public to judge the impact. Council Members Goldberg, Garcia, Ellis, Sekula-Gibbs and Berry absent.

Mayor White stated that he had to leave the Council Chamber as an urgent situation had come up and Mayor Pro Tem Alvarado would take over, but what she said was important and him stepping out was not a sign of disrespect. Council Members Wiseman, Garcia, and Ellis absent.

Ms. Sweetnam stated that she was saying the Regional Transportation Plan was not user friendly and difficult to analyze; that it was basically a long list of projects. Mayor White, Council Members Wiseman, Garcia, and Ellis absent. Mayor Pro Tem Alvarado presiding.

Council Member Khan moved that the rules be suspended for the purpose of extending time for Ms. Heidi Sweetnam to speak, seconded by Council Member Holm. All voting aye. Nays none. Council Member Edwards out of the city on city business. Mayor White, Council Members Wiseman, Garcia, and Ellis absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0336 ADOPTED

Ms. Sweetnam further stated that it was very hard to get a handle on the plan, it did not include a clear description for the region or a map with locations or progress and did not include information for analyzing the effects of the projects on air pollution and flooding; that Blue Print Houston had no position on the plan but believed the community needed access to appropriate information so they could form their own judgment and participate; and were asking the Mayor and Council to help get that information and would like to have it before the public comment

period ended on May 6th. Mayor White, Council Members Wiseman, Garcia, and Ellis absent. Mayor Pro Tem Alvarado presiding.

Council Member Green stated that Chris Brown in his office had been corresponding with her and they were in the process of trying to simplify the plan and would relay it as they received it in its more simplified fashion. Mayor White, Council Members Wiseman, Garcia, and Ellis absent. Mayor Pro Tem Alvarado presiding.

Council Member Holm stated that she was excited to be on the plan, but was finding the exact things as she, it was very hard to find out what the plan encompassed and her questions were how was the METRO plan fitting into it and how the City fit into it and questions of authority given from the plan; that she appreciated all her help and they were counting on them to be a part of the process. Mayor White, Council Members Wiseman, Garcia, and Ellis absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Khan, Ms. Sweetnam stated that Blue Print Houston was a nonparticipation organization and believed in a planning process and they needed information out there so everyone could express their opinion. Mayor White, Council Members Goldberg, Wiseman, Garcia, and Ellis absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Mayor Pro Tem Alvarado, Ms. Sweetnam stated that she felt they would address the plan in terms of goals for Houston's future, but they would not endorse it. Mayor White, Council Members Goldberg, Wiseman, Garcia, and Ellis absent. Mayor Pro Tem Alvarado presiding.

Ms. Christine Sagsetter, 3015 Richmond, Houston, Texas 77097 (713-521-3981) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Goldberg, Wiseman, Garcia, and Ellis absent. Mayor Pro Tem Alvarado presiding.

Mr. Peter Brown, 10 Waverly Court, Houston, Texas 77005 (713-520-6606) appeared and stated that he went to the March 23rd public hearing the HGAC had on the plan and read it; that it was a \$77 billion magic wand which could make Houston a great city or take them down the path they had been before of air pollution, congestion, flooding and sprawl, but it was not clear where the plan was taking them and he thought it put the tax base somewhat at risk; that last year 36,000 single family homes were completed in the Houston region but only 5,000 were completed within the City of Houston and that said an infrastructure was created which was sending the tax base, jobs, houses and people out beyond the city limits and yet the plan had the citizens of the City of Houston playing 50% of it; that a plan was needed which brought investment and jobs back within the city limits. Council Members Goldberg, Wiseman and Ellis absent.

Ms. Marci Perry, 1619 Webber, Houston, Texas 77007 (713-863-9773) appeared and stated that she was present to speak on the 2025 Plan which was actually a listing of projects; that the aims were to reduce congestion and pollution but would not reduce either, it did not calculate the cost to the quality of life or economic or flooding or increased air pollution or for additional parking, etc., the proposed plan was actually an outdated approach to solve congestion and did not solve the problem but instead cut funding for alternate modes of transit and a balanced approach was needed; and they were asking for the Mayor and Council's help. Council Members Goldberg and Wiseman absent.

Mr. Tom McKittrick, 1111 Guinea Drive, Houston, Texas 77055 (713-465-4827) had reserved time to speak but was not present when his name was called. Council Members Goldberg and Wiseman absent.

Ms. Polly Ledvina, 2375 Bolsover, Houston, Texas 77005 (713-524-4578) appeared and stated that she was present representing the Katy Corridor Coalition and asking Mayor White to

improve mobility and quality of life in Houston as promised, to send back the 2025 Regional Transportation Plan to the drawing board; that by HGAC's own calculations the plan would increase vehicle miles traveled in the region by 75% and increase runoff and air pollution and bring more traffic; and they were asking that Council reject the unbalanced plan which proposed new lane miles equivalent to over 120 Katy Freeway expansions. Council Members Goldberg and Wiseman absent.

Council Member Green moved that the rules be suspended for the purpose of extending time for Ms. Polly Ledvina to speak, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Wiseman absent. MOTION 2004-0337 ADOPTED

Ms. Ledvina further stated that they were asking the Mayor and Council to reject the unbalanced plan that proposed new lane miles to over 120 Katy Freeway expansions and allocated even fewer dollars towards transit; that they were asking them to reject the HGAC's 2025 Regional Transportation Plan because it was a major step in the wrong direction and the opposite of what citizens said they wanted and which the Mayor himself promised as a candidate; and urged the plan be sent back to the drawing board. Council Member Wiseman absent.

Mayor White thanked everyone for appearing on such an important issue, for bringing it to all their attention. Council Member Wiseman absent.

Mr. Ron Shoup, 10421 Bassoon, Houston, Texas 77025 (713-660-0187) appeared and stated that he lived in a very nice neighborhood with a strong history of active neighbors; that the City of Houston followed through and were replacing streets right now and most were joyful; that their 1950's neighborhood did not have sidewalks and he was thankful they got a bonus and received them; that over time without sidewalks it may become a quaint tradition but it was still dangerous and it was a good idea to separate pedestrians from automobiles; and urged the continuation of sidewalks in his area and to also build them as policy anywhere and anytime they had a chance to do so. Council Members Wiseman and Quan absent.

Council Member Berry stated that regarding sidewalks they had quite a few constituents call and they forwarded the issues; that he did not know if Public Works had formulated a new policy, but the policy had changed over the last 12 or 14 years; and he asked Mayor White to check on what the new policy was so they would have an answer for constituents; and Mayor White stated that he was right, the issue of sidewalks during one previous Administration was a big deal, but everyone was aware there were budgetary tradeoffs and some neighborhoods wanted them more than others, but as he learned sometimes after awhile the sidewalk would buckle and the whole thing would need replaced and he had not given a particular policy on sidewalks of such, but would be open minded if people who were responding to community groups came up with certain policies or criteria and would be receptive to him or to Mr. Moore concerning the approach his colleagues thought should be taken. Council Members Wiseman and Green absent.

Ms. Sandra Anderson, 4029 Woodfox, Houston, Texas 77025 (713-661-0047) appeared and stated that she was a homeowner in the Westwood Subdivision for over 20 years and had only one tree in her front yard and it was a 40 year old beautiful Red Sunset Maple which brought pleasure, shade and added value to her property; that she and many others did not want sidewalks in their subdivision, but she had understood they would be designed to minimally harm trees in their pathway though it did not take much to see the design in her front yard did not do that, it was badly designed with no consideration for saving her trees roots; that the contractor was supposed to have brought in a forestry consultant to keep tree damage to a minimum but he did not do so and now her tree had less than a 50% chance and she was infuriated; that she was pleading to have no sidewalk placed on her lawn or at least have it redesigned to give her tree a better chance of survival and if it did die even two years from now

she would expect the City of Houston to plant a decent size tree of her choosing. Council Members Wiseman and Green absent.

Council Member Goldberg stated that they could see the issue formulating here, it was an Neighborhood Street Reconstruction Project and the first speaker said they were wanted and the second speaker said she did not want them; that the situation came up before and 98% on the street did not want them so they opted out and did not put them even though it was in the design, but now it was not close; that maybe this could be taken up in the Infrastructure Committee so a policy could be decided on in such cases; and Mayor White stated that he should keep in mind the question he posed to Council Member Berry as he would like his thought on it in a moment. Council Members Wiseman, Green and Berry absent.

Council Member Galloway stated that she had the same problem in a community; that a constituent requested sidewalks and it was put into the CIP for them, but then some residents threatened and did everything to stop the project because they did not want their plants, etc., to be disturbed but the project went ahead and now their property value had risen because of the sidewalks; that everyone could not be pleased, but sidewalks did not lessen the value of property. Council Members Wiseman and Green absent.

Mayor White stated he was going to put Council Member Goldberg on the spot and upon questions, Council Member Goldberg stated that he thought there was a number of ways to do it and if a huge majority did not want the sidewalks then don't put them, but on the other hand if it was a matter of health and safety and a school was in the area and kids were in the street then there was no choice and they should be put in; that if there were established trees that were going to have to come down then that was a consideration, but he thought it should be opened up for discussion in committee and have Public Works also say what they think. Council Members Wiseman and Green absent.

Mayor White stated that he was going to also put Council Member Quan on the spot; that he was also a veteran and went to as many neighborhood meetings as he had ever seen and to pose an issue, in Public Works he would be focusing on project execution, the timeliness, the cost and quality of work, but Public Works was not going to be a surrogate super neighborhood or composed of elected representatives of the people; that they were tight on money and if 40% wanted something and 60% didn't then something else could be thought of to spend money on where it could be like 90% to 10% and with term limitation and repetitive contract problems such as street overlay and sidewalks what would be his take on it; and Council Member Quan stated that he was worried about that himself and had wanted a report from Neighborhood to Standards; that he would like a review of the whole process and feedback from the communities as to where they stood because he did not want to impose the City's money and efforts on people who did not want it; that he was wanting to put a connect between neighborhood leaders in place today and conditions with the Master Plan put in place years ago and see if it was needed and if not divert that money and if Council Member Berry did not take it on he would be happy to. Mayor White stated that it sounded like he was on the right track and there should be feedback before such projects were started and he did not see it within Public Works, as such, and should be some other stakeholder based but institutionalized. Council Members Lawrence, Galloway and Wiseman absent.

Council Member Holm stated that as Council Member Goldberg said it was first a part of process and they did need to have policy for what the role and procedure was and why they did it and as communities changed what one may want now the same community may not want later and then they needed flexibility of it so you could have both, protection of trees and sidewalks. Council Members Lawrence, Galloway and Wiseman absent.

Council Member Goldberg stated that the City of Houston did not maintain sidewalks and there were many problems with maintenance once they were put in so that was another consideration when forcing residents to get them. Council Members Lawrence, Wiseman,

Sekula-Gibbs and Berry absent.

Ms. Sharelle Poth, 4055 Woodfox, Houston, Texas 77025 (713-661-5741) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Wiseman, Sekula-Gibbs and Berry absent.

Ms. Alice Kuchera, 10214 Oboe, Houston, Texas 77025 (713-664-6236) appeared and stated that Ms. Poth was unable to attend but had asked that sidewalks not be placed on her street, citing trees and lawns and did want Westwood Park to proceed; that they heard it was on and then off and didn't know what the status was; that she, herself, lived in Westwood and was president, but was present on behalf of her street, Oboe, and when the street reconstruction project came about her street along with others opted out of sidewalks by 75% of the property owners signing a petition and those still existed; that she was against them as her driveway was 42 feet long and had two vehicles approximately 18 feet long each to park and the only way to park with a sidewalk 16 feet inside the curb would be to either block the sidewalk or park in their narrow street; that she was asking for the petitions in place asking for no sidewalks be honored and those who wanted them could get them. Council Members Lawrence, Wiseman, Sekula-Gibbs and Berry absent.

Ms. Ruth Datz, 4034 Silverwood, Houston, Texas 77025 (713-667-2044) appeared and stated that she lived in Westwood 49 years and they never had sidewalks, children still played in the streets and an amputee did not want sidewalks; that several families had expensive shrubbery and some sprinkler systems; that sidewalks did sink and did retain water and caused mold and mosquitoes; that the north side had sidewalks only 1-1/2 years old and they were cracking; that the senior citizens opposed them, the City of Houston would save money by not putting them and they had submitted petitions prior to the City's ruling and felt they should be exempt. Council Members Lawrence, Wiseman, Alvarado, Sekula-Gibbs and Berry absent.

Council Member Goldberg stated that the previous speaker made a point, if you could not park in your driveway without blocking the sidewalk and you were not allowed to block the driveway then they were limiting a property owner's right to even park in their own driveway legally; that was what made different situations unique. Council Members Lawrence, Wiseman, Garcia, Sekula-Gibbs and Berry absent.

Mayor White stated that it was worthy of dialogue and Wal-Mart, a customer oriented organization, would have a system in place for surveying residents in an area and then compared to the cost of putting in something people did not want it would be a small cost. Council Members Lawrence, Wiseman, Garcia and Berry absent.

Council Member Goldberg stated that there was a mechanism in place to do a survey; that the project was a neighborhood street reconstruction which meant 75% of the residents had to sign a petition to even get it in the cue, get it done, so they could just add a one liner clause asking if they wanted sidewalks in the petition process or at least let them know they would be getting sidewalks if they signed the petition. Council Members Wiseman and Holm absent.

Council Member Berry stated that the Mayor used the Wal-Mart analogy and one thing with the repetitive tasks was standardizing the task; that they called several times in the last few months and received varying answers as to what would and would not get a sidewalk and it would be nice to have a standard answer, maybe linear feet having to do with it. Council Members Wiseman, Holm and Green absent.

Mr. Clarence Green, 8607 Glenside, Houston, Texas 77033 (713-734-1356) had reserved time to speak but was not present when his name was called. Council Members Wiseman, Holm and Green absent.

Mr. Roland Curry, 5519 1/2 Caplin, Houston, Texas 77026 (713-633-3829) had reserved

time to speak but was not present when his name was called. Council Members Wiseman, Holm and Green absent.

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77020 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Council Members Wiseman, Holm and Green absent.

Mr. Andres Ortiz, 6909 Bonham, Houston, Texas 77020-5301 (713-672-2931) had reserved time to speak but was not present when his name was called. Council Members Wiseman, Holm and Green absent.

Ms. Jogretta Williams, 6425 Westheimer #415, Houston, Texas 77057 (713-334-4845) appeared and displayed a book and stated that it said "A Guide to Disabilities Rights and Laws" but she had been to them all and had documents to show it; that on her way to work January 13, 2000, she was hit by a motorcycle and now it was 2004; that she was not asking anyone for money as she received disability, but even with that she needed help; that everywhere she went they would tell her to call another number; that she was an intelligent woman but was now begging as all the organizations did absolutely nothing; that she took many medications and tomorrow would be picking up six more. Council Members Wiseman and Green absent.

Council Member Garcia moved that the rules be suspended for the purpose of extending time for Ms. Jogretta Williams to speak. Council Members Wiseman and Green absent.

Council Member Galloway stated that Ms. Williams stated she needed help, what specifically did she need help with; and Ms. Williams stated that she wanted rehab and not pills; that she had two prescriptions for therapy but...; and Council Member Galloway stated that she would see what she could do. Ms. Williams stated that she called yesterday and spoke with Ms. Pearle and she said she would work with her; that she was now going to go with her but she would see if it was just talk and her name would be lost in a stack of work and she wanted Council Members to remember her. Council Members Goldberg, Wiseman, Green and Berry absent.

Council Member Khan stated that this was not the only case of this kind in the City of Houston and was there any means available through the City of Houston to help; that he would like to see if there was a possibility for such; and Mayor White stated that he appreciated his comments; that something that troubled him was there was a hole in the healthcare system and was working everyday with the County and Harris County Hospital District to see how they can fulfill the promise of actually increasing access to primary healthcare; that in their first Council Meeting a lady was homeless because of the Hardy Toll Road and he had solved that problem; that sometimes problems were solved though there were no follow-ups made to Council, but with healthcare where did you draw the line, so he was not saying they could not help this person, but it was a serious problem. Council Members Galloway, Goldberg, Wiseman, Green and Berry absent.

Mr. James Adams, 8900 Glencrest, Houston, Texas 77061 (713-643-3436) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Wiseman, Green and Berry absent.

Ms. Arlean Carter, 121 E. 43rd, Houston, Texas 77018 (713-290-9853) appeared and stated that she was present during the previous Administration asking for her pension benefits; that she was a City of Houston employee for 23 years and was not able to get her disability benefits; that several doctors specified she was disabled and she presented all information to the Pension Board and followed all procedures, but could not get a disability check and she was out of time and resources and had no place to live she could call her own; that she was only asking for what she was eligible for and that was \$886.00 a month as she was not able to work;

that she wrote the Mayor to personally see if he would take on her situation and he sent it to Mr. Vara who responded back with nothing, everyone pushed her to someone else who did nothing. Council Members Galloway, Goldberg, Wiseman, Green and Berry absent.

Mayor White stated that he remembered the letter and upon questions, Ms. Carter stated that the Pension Board said at first there was not enough documentation so then she did the appeal process; that they were saying her doctor did not say she was totally and permanently disabled and that was not so, she submitted documentation to him and to the Pension Board and she asked that they make sure it was all correct before it went before the board so she would not be denied a second time; and Mr. Lonnie Vera, who he referred her case to was not addressing the situation and in speaking with him this morning he ... Council Members Galloway, Wiseman, Green and Berry absent.

Council Member Khan moved that the rules be suspended for the purpose of extending time for Ms. Arlean Carter to speak, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Members Galloway, Wiseman, Green and Berry absent. MOTION 2004-0338 ADOPTED

Ms. Carter further stated that she submitted a letter to the director of the Pension Board asking if he would reconsider with additional documentation from two other doctors and they were not responding or giving any help; that Mr. Vera personally attacked her this morning and she did not think that was the right thing to do and she would be getting no help unless Mayor White personally saw to it; and Mayor White stated that he understood and was not putting any pressure on her, but could she tell him the nature of the disability; and Ms. Carter stated that she had a neurological and psychological problem which prevented her from working. Mayor White thanked her for appearing and stated that so she would know the way things worked the Pension Board did have certain rules and regulation procedures which were designed to protect the people they represented which were retirees and employees and he could not second guess the judgment, but he could say people should give due consideration to evidence given to them and to do what was right with the practices and procedures used for others; and he would ask Mr. Vara to follow-up with the Pension Board once more and to take the actions in accordance with rules and criteria they had. Ms. Carter stated that something the Mayor and Council may not be aware of was in 1985 employees were given opportunity to change to the modified sick plan and no one said anything about them having a chance to get long-term disability and she spoke to Mr. Vara about it and there were many employees who did not know about it so she asked him if he was going to make it known to the employees and he said no he was not, but there were benefits employees could get that they did not know about. Council Members Galloway and Wiseman absent.

Mr. Robert Sampson, 1716 Norfolk, Houston, Texas 77098 (713-526-0987) appeared, presented information and stated that he was present again regarding Ervan Chew Park and the take over by the Neartown Little League; that confiscation of the park was now complete including the park being fenced in and locked down and now another self appointed group of people planned to put in a dog run and fence off another large area which was a picnic area. Council Members Galloway and Wiseman absent.

Council Member Sekula-Gibbs moved that the rules be suspended for the purpose of extending time for Mr. Robert Sampson to speak by one minute, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Members Galloway and Wiseman absent. MOTION 2004-0339 ADOPTED

Mr. Sampson continued that the park continued to be taken over by special interest groups and it seemed the citizens who lived around it had no say so; that it seemed the dog run would not be allowed as it was the picnic area; and he was asking if there was any way to at least preserve the picnic area. Council Members Galloway and Wiseman absent.

Mr. Elbert Robertson, 3429 Coyle, Houston, Texas 77003 (713-229-8983) had reserved time to speak but was not present when his name was called. Council Members Galloway and Wiseman absent.

Mr. William E. Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) appeared and stated to bless this marriage of Pharaoh Rameses the First and Pharaoh Britney Spears Rameses and continued expressing his personal opinion. Council Members Galloway and Wiseman absent.

Mr. Joseph Omo Omuari, 2820 Palm #2B, Houston, Texas 77004 (713-523-4011) had reserved time to speak but was not present when his name was called. Council Members Galloway and Wiseman absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (713-203-7738) appeared and stated that he was the only official US Presidential candidate; and continued expressing his personal opinions until his time expired. Council Members Galloway and Wiseman absent.

Council Member Berry moved that the rules be suspended for the purpose of hearing from Mr. Steven Williams of the Houston Fire Department, seconded by Council Member Quan. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Members Galloway and Wiseman absent. MOTION 2004-0340 ADOPTED

Mr. Steven Williams appeared and stated that he was compelled to be present today to thank the Mayor and Council on behalf of the men and women of the Houston Professional Firefighters and the Kulow family for the outreach and prayers extended to them all; that the Mayor being at the fire that morning and going to the hospital and to the family was inspirational leadership and they thanked him; that it was tragic times and he was standing with them; that tomorrow was the funeral and procession and they wanted to facilitate the Mayor's involvement if he would like; that the agencies had ruled this fire criminal, one of the biggest crimes on the rise, and the membership would be asking for the highest level of punishment to be directed at those responsible; that Captain Walterbach had taken a turn for the worst and was in an upgraded status and they would continue to be at the family's side; that the Arson Division in the last 48 hours once again exhibited what they were to do; and he thanked all for their support and stated that they would look forward to seeing them tomorrow; that they today were enjoying minimum staffing standards in accordance with NFPA, four member staffing, and there could have been another death without those people on the apparatus. Council Members Galloway and Wiseman absent.

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that he was Jesus Christ and continued to express his personal opinions until his time expired. Council Members Lawrence, Galloway, Wiseman and Garcia absent.

At 3:55 p.m. upon motion by Council Member Green, seconded by Council Member Ellis City Council recessed until 9:00 a.m., Wednesday, April 7, 2004. Council Member Edwards out of the city on city business. Council Members Lawrence, Galloway, Wiseman and Garcia absent.

City Council Chamber, City Hall, Wednesday, April 7, 2004

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, April 7, 2004, with Mayor Bill White presiding and with Council Members Toni Lawrence, Carol Mims Galloway, Mark Goldberg, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director and Mr. Eddie Soto, Deputy Agenda Director

present. Council Member Ada Edwards out of the city on city business.

At 8:19 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:03 a.m. Mayor White reconvened the meeting of the City Council and stated that the first order of business was a public hearing. Council Members Goldberg, Wiseman, Khan, Garcia and Alvarado absent.

HEARINGS

1. PUBLIC HEARING regarding the request to extend the eastern boundary of the LOWER WESTHEIMER BANNER DISTRICT - DISTRICT D - EDWARDS - 9:00 A.M.

The City Secretary stated that Mr. Gary Drabek and Ms. Maria Garcia would make comments on the hearing. Council Members Goldberg, Wiseman, Khan, Garcia and Alvarado absent.

Mr. Drabek stated that the Department of Public Works received a request from the Pride Community in Houston to extend the Banner District eastward to Bagby, that the Banner District was created in 1995 under City Ordinance Section 40-3, that at the time it was from Taft to Yoakum, that they had passed out a map of the district to Council Members, that in 2000 it was requested to extend the district west to Commonwealth so the new boundaries in 2000 were changed from Taft to Commonwealth and they received the request this year to extend it eastward to Bagby so the new district would be Commonwealth to Bagby. Council Members Galloway, Goldberg, Wiseman, Khan, Garcia and Quan absent.

Mr. Jack Valinski appeared and stated that the Pride Community of Houston celebrated the diversity of the City of the Gay, Lesbian, Bisexual and Transgender Community, that they hosed a Pride Parade at the end of June every year, which was probably the largest in the community and they also contributed to the economy of the community because about one third of the people who attended the event came from outside the metropolitan area, that the Banner District showed the diversity of the City, of lower Westheimer, and that the City enjoyed the diversity and they requested the extension of the Banner District, they had lived within the rules and taken the banners down every year like they were supposed to and thought it really added to the community. Council Members Galloway, Goldberg, Wiseman, Khan and Garcia absent.

Council Member Holm moved to close the public hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Members Galloway, Goldberg, Wiseman and Khan absent. MOTION 2004-0341 ADOPTED.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 37

MISCELLANEOUS - NUMBERS 2 through 4

2. REQUEST from Mayor for confirmation of the appointment of **MR. ISSA DADOUSH** to the position of Director of Building Services Department – was presented, moved by Council Member Holm, seconded by Council Member Quan. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Members Galloway, Wiseman and Khan absent. MOTION 2004-0342 ADOPTED.
3. RECOMMENDATION from Chief of Police for Injury on Duty status for Police Officers **EDWARD BOROWSKI** and **WARREN JONES** – had been pulled from the Agenda by the

Administration, and was not considered. Council Members Galloway, Wiseman and Khan absent.

4. RECOMMENDATION from Chief of Police for Injured on Duty status for Police Officer **MARK VICENTO** – was presented, moved by Council Member Holm, seconded by Council Member Quan. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Members Galloway, Wiseman and Khan absent. MOTION 2004-0343 ADOPTED.

Mayor White stated that they were lucky to have a dedicated public servant of the caliber of Mr. Dadoush and invited him to the podium. Council Members Galloway, Wiseman, Khan and Quan absent.

Mr. Dadoush stated that his Mom and Dad, Father-in-Law and Mother-in-Law, wife, Dawn, and daughter, Nicole, were present in the audience, that there were a lot of members from Building Services present who had supported him, that he was very humbled and honored by the challenge that the Mayor was bestowing upon him and promised to serve the Mayor, City Council and the Community. Council Members Galloway, Wiseman, Khan and Quan absent.

Mayor White and Members of Council congratulated Mr. Dadoush on his appointment as Director of Building Services and wished him well. Council Members Galloway, Wiseman, Khan and Quan absent.

DAMAGES - NUMBER 5

5. RECOMMENDATION from City Attorney for settlement of lawsuit styled **CHRISTOPHER A. LINDSEY** v. City of Houston and Yolanda L. Windon; in the County Civil Court at Law No. Three (3) of Harris County, Texas - \$100,000.00 - Property and Casualty Fund – was presented, moved by Council Member Green, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Members Galloway, Wiseman and Khan absent. MOTION 2004-0344 ADOPTED.

PROPERTY - NUMBER 8

8. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Scott P. Greet of R. G. Miller Engineers, Inc., on behalf of NPSP, L.P. (Tom Premovic, general partner), for abandonment and sale of a ±449-square-foot fee-owned portion of Tilson Lane, out of Lots 7 and 8, Block 5, Cedar Brook Addition, Section 1, Parcel SY4-018 - **STAFF APPRAISERS - DISTRICT A - LAWRENCE** – was presented, moved by Council Member Green, seconded by Council Member Quan. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Members Wiseman and Khan absent. MOTION 2004-0345 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 9 through 10

9. **LINDIG CONSTRUCTION & TRUCKING, INC** for Decomposed Crushed Granite for Parks & Recreation Department - \$34,153.00 - Grant Fund – was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Members Wiseman and Khan absent. MOTION 2004-0346 ADOPTED.
10. **AKANDA SOLUTIONS, LLC** for Modifications/Enhancements to the Development Review Cycle System for Planning & Development - \$52,000.00 - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Quan, seconded by

Council Member Alvarado. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Members Wiseman and Khan absent. MOTION 2004-0347 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 28 through 37

28. ORDINANCE deappropriating \$285,392.50 out of Street & Bridge Consolidated Construction Fund, which was appropriated under Ordinance No. 98-0508; appropriating \$727,100.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **KLOTZ ASSOCIATES, INC** for the Bikeway Program Projects, CIP N-0420-40-2 (SB9191); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS A - LAWRENCE; B - GALLOWAY; C - GOLDBERG; D - EDWARDS and I - ALVARADO** – had been pulled from the Agenda by the Administration, and was not considered. Council Members Wiseman and Khan absent.
29. ORDINANCE appropriating \$2,460,077.50 out of Parks Consolidated Construction Fund, awarding construction contract to **TIMES CONSTRUCTION, INC** for Construction of Parks Master Plan - Bid Package 1 - Shady Lane Park, Windsor Village Park and Beverly Hills Park, GFS F-504A-03-3, F-504A-09-3, F-504A-14-3 and F-509-10-3; providing funding for engineering testing services, Civic Art Program and contingencies relating to construction of facilities financed by Parks Consolidated Construction Fund - **DISTRICTS B - GALLOWAY; D - EDWARDS and E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Members Wiseman and Khan absent. ORDINANCE 2004-0250 ADOPTED.
33. ORDINANCE appropriating \$511,400.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **VAN DE WIELE ENGINEERING INCORPORATED** for Design of Water Line Replacement in the Irvington Area, CIP S-0035-C3-2 (WA10785); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Members Wiseman and Khan absent. ORDINANCE 2004-0251 ADOPTED.
34. ORDINANCE appropriating \$463,100.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **AMANI ENGINEERING, INCORPORATED** for Design of Water Line Replacement in the Near Northside-North Area, CIP S-0035-D1-2 (WA10792); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Members Wiseman and Khan absent. ORDINANCE 2004-0252 ADOPTED.
37. ORDINANCE appropriating \$1,900,000.00 out of Street & Bridge Consolidated Construction Fund and \$1,100,000.00 out of Water & Sewer Consolidated Construction Fund and approving and authorizing amendment to Professional Program Management Services contract between the City and **PIERCE, GOODWIN, ALEXANDER AND LINVILLE, INC**, CIP N-0668-06-2 (SB9061) – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Members Wiseman and Khan absent. ORDINANCE 2004-0253 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

ACCEPT WORK

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$9,236,207.83 and acceptance of work on contract with **MISSION/BUFETE INDUSTRIAL, INC a Joint Venture** for City Hall Fire Safety and Renovation Project for Department of Public Works & Engineering – was presented, moved by Council Member Alvarado, seconded by Council Member Quan. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Members Wiseman and Khan absent. MOTION 2004-0348 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$7,023,531.81 and acceptance of work on contract with **CONTRACTOR TECHNOLOGY, INC** for Construction of 54-inch Water Main along Victory, West Little York, Langfield, and West Tidwell from Antoine to Hollister - Contract 54B-1, GFS S-0900-61-3 (WA10634) - 03.79% over the original contract amount - **DISTRICT A – LAWRENCE** – was presented, and tagged by Council Member Galloway. Council Members Wiseman and Khan absent.

RESOLUTIONS AND ORDINANCES

12. RESOLUTION opposing the Operation of Remote Control Locomotives on public or private Highway Rail Crossings, Streets, and Railroads within the city limits of Houston; and providing an effective date – was presented, and tagged by Council Member Goldberg. Council Members Wiseman and Khan absent.
13. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the payment of fines for citations issued for parking violations on rental vehicles – was presented, and tagged by Council Member Berry. Council Members Wiseman and Berry absent.
14. ORDINANCE establishing lane use restrictions for trucks upon a portion of Interstate Highway 45; declaring certain conduct to be unlawful and containing findings and other provisions relating to the foregoing subject; providing for severability – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Members Wiseman and Khan absent. ORDINANCE 2004-0254 ADOPTED.

Mayor White stated that Item No. 14 was going to make a difference in the lives of people when they restrict or establish specific lanes for the use of trucks on Highway 45. Council Member Khan absent.

15. ORDINANCE issuing a permit to **SIC - ESPERSON BUILDINGS, L.P., and DT ESPERSON 1 LIMITED PARTNERSHIP** for using, occupying, operating, maintaining and repairing a basement vault, an elevator vault and three pedestrian tunnels, abutting Block 91 S.S.B.B., and within Walker Avenue, Milam Street, Rusk Avenue, and Travis Street, public street rights-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Members Wiseman and Khan absent. ORDINANCE 2004-0255 ADOPTED.
16. ORDINANCE approving and authorizing Loan and Grant Agreement between the City of Houston and **NORTHLINE APARTMENTS, LTD.**, whose sole general partner is **NORTHLINE MANAGEMENT, L.L.C.**, to provide \$1,515,000.00 in Community Development Block Grant Funds to be used for the acquisition of a 200 unit multi-family apartment complex known as the Northline Point Apartments located at 7313 Northline

Drive - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Members Wiseman and Khan absent. ORDINANCE 2004-0256 ADOPTED.

17. ORDINANCE appropriating \$188,930.58 out of Water & Sewer System Consolidated Construction Fund and \$240,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Uptown Fund, and approving and authorizing developer participation contract between the City of Houston and **MARKET DEVELOPERS, L.L.C.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section One of the Meadow Crest Subdivision, CIP S-0800-A8-03 and R-0800-A8-03 - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Members Wiseman and Khan absent. ORDINANCE 2004-0257 ADOPTED.
18. ORDINANCE appropriating \$184,127.40 out of Water & Sewer System Consolidated Construction Fund and \$136,675.09 out of Tax Increment Reinvestment Zone Affordable Housing Uptown Fund, and approving and authorizing developer participation contract between the City of Houston and **MARKET DEVELOPERS, L.L.C.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section Two of the Meadow Crest Subdivision, CIP S-0800-A9-03 and R-0800-A9-03 - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Members Wiseman and Khan absent. ORDINANCE 2004-0258 ADOPTED.
19. ORDINANCE appropriating \$163,848.46 out of Water & Sewer System Consolidated Construction Fund and \$168,678.43 out of Tax Increment Reinvestment Zone Affordable Housing Uptown Fund, and approving and authorizing developer participation contract between the City of Houston and **MARKET DEVELOPERS, L.L.C.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section Three of the Meadow Crest Subdivision, CIP S-0800-B1-03 and R-0800-B1-03 - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Members Wiseman and Khan absent. ORDINANCE 2004-0259 ADOPTED.
20. ORDINANCE appropriating \$193,143.42 out of Water & Sewer System Consolidated Construction Fund and \$222,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Uptown Fund, and approving and authorizing developer participation contract between the City of Houston and **PULTE HOMES OF TEXAS, L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section One - Phase One of the Skyline Ranch Subdivision, CIP S-0800-B7-03 and R-0800-B7-03 - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Members Wiseman and Khan absent. ORDINANCE 2004-0260 ADOPTED.
21. ORDINANCE appropriating \$153,955.21 out of Water & Sewer System Consolidated Construction Fund and \$219,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Uptown Fund, and approving and authorizing developer participation contract between the City of Houston and **PULTE HOMES OF TEXAS, L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section One - Phase Two of the Skyline Ranch Subdivision, CIP S-0800-B8-03 and R-0800-B8-03 - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Members Wiseman and Khan absent. ORDINANCE 2004-0261 ADOPTED.
22. ORDINANCE appropriating \$149,626.62 out of Water & Sewer System Consolidated Construction Fund and \$240,000.00 out of Tax Increment Reinvestment Zone Affordable

Housing Uptown Fund, and approving and authorizing developer participation contract between the City of Houston and **PULTE HOMES OF TEXAS, L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section One - Phase Three of the Skyline Ranch Subdivision, CIP S-0800-B9-03 and R-0800-B9-03 - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Members Wiseman and Khan absent. ORDINANCE 2004-0262 ADOPTED.

23. ORDINANCE appropriating \$136,113.06 out of Water & Sewer System Consolidated Construction Fund and \$240,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Uptown Fund, and approving and authorizing developer participation contract between the City of Houston and **PULTE HOMES OF TEXAS, L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section One - Phase Four of the Skyline Ranch Subdivision, CIP S-0800-C1-03 and R-0800-C1-03 - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Members Wiseman and Khan absent. ORDINANCE 2004-0263 ADOPTED.
24. ORDINANCE appropriating \$157,051.17 out of Water & Sewer System Consolidated Construction Fund and \$189,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Uptown Fund, and approving and authorizing developer participation contract between the City of Houston and **PULTE HOMES OF TEXAS, L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section One - Phase Five of the Skyline Ranch Subdivision, CIP S-0800-C2-03 and R-0800-C2-03 - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Members Wiseman and Khan absent. ORDINANCE 2004-0264 ADOPTED.
25. ORDINANCE awarding contract to **INFRASTRUCTURE SERVICES, INC** for Concrete Pavement Repair Services Contract for Public Works & Engineering Department; providing a maximum contract amount - 1 Year with four one-year options \$10,021,500.00 - General Fund – was presented, and tagged by Council Member Galloway. Council Member Khan absent.
26. ORDINANCE appropriating \$82,770.29 out of Street & Bridge Consolidated Construction Fund for payment to the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the City's obligation under an interlocal agreement (C#52864) pertaining to the Congestion Mitigation and Air Quality Program (CMAQ) (approved by Ordinance No. 2001-0579) - **DISTRICTS B - GALLOWAY; E - WISEMAN; H - GARCIA and I – ALVARADO** – was presented, and tagged by Council Member Wiseman. Council Member Khan absent.

Mayor White stated that he would make sure that the department representatives and Agenda Director had a prompt follow up and should be made to Council Members tagging items to see if questions could be answered and resolved.

27. ORDINANCE appropriating \$200,000.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for professional engineering services contract between the City of Houston and **BROWN & GAY ENGINEERS, INC** for City-wide On-Call Transportation Engineering Services (approved by Ordinance No. 2003-0520), CIP N-0650-10-2 – was presented, and tagged by Council Member Alvarado.

Council Member Alvarado stated that she was going to tag the item and wanted to visit with someone, that she noticed the MWBE goal was 24% and only 1% was met, that she would like to have someone come and see her and give an explanation for that.

Council Members Garcia and Galloway asked that their tags be added to Item No. 27.

Council Member Goldberg state that he was also going to tag the item but for a different reason, that it was the engineering firm that did the design on Knollwood Village where they had a lot of problems and he wanted to talk to them about that.

Mayor White stated that he and the Director of Public Works had been trading phone calls about the item and he had some ideas and they were going to get involved in making sure they did bikeways right and cheap and good.

30. ORDINANCE appropriating \$1,607,600.00 out of Parks Consolidated Construction Fund, awarding construction contract to **STEWART BUILDERS, LTD.** for Construction of Parks Master Plan - Bid Package 5 - Settegast Park and Swiney Park, GFS F-504B-13-3, F-0507-00-3 and F-0509-13-3; providing funding for engineering testing services and contingencies relating to construction of facilities financed by Parks Consolidated Construction Fund - **DISTRICTS B - GALLOWAY and H – GARCIA** - NOTE: This was Item 41 on Agenda of March 31, 2004 and was not received, however in error was not listed as “not in” on pull sheet – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. ORDINANCE 2004-0265 ADOPTED.
31. ORDINANCE appropriating \$1,357,521.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **ALLCO, INC** for Wastewater Collection System Rehabilitation and Renewal, GFS R-0266-T1-3 (WW4235-18); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. ORDINANCE 2004-0266 ADOPTED.
32. ORDINANCE appropriating \$578,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **DANNEBAUM ENGINEERING CORPORATION** for Design of San Felipe Street Pavement Improvements from Fountain View Street to Chimney Rock Drive, CIP N-0750-02-2 (SB9180); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. ORDINANCE 2004-0267 ADOPTED.
35. ORDINANCE appropriating \$2,544,000.00 out of Houston Airport System Consolidated 2004 AMT Construction Fund and approving and authorizing amendment No. 5 to contract between the City of Houston and **KELLOGG BROWN & ROOT, INC** for Professional Architectural, Engineering Construction Management and Program Management Services for Special Airfield Improvement Projects at George Bush Intercontinental Airport/Houston (Project Nos. 554, 555, 556, 558, 559, 560, 560A, 561, 569, 522, 522B, 522C, 522K, 522L, 605A, 605B, 605C, 605D, 611 and 509; CIP A-0396 - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. ORDINANCE 2004-0268 ADOPTED.
36. ORDINANCE appropriating \$7,443,000.00 out of Airport System Consolidated 2004 AMT Construction Fund, CIP A-0203; and approving and authorizing amendment No. 1 to construction contract No. 53881 between the City of Houston and **CLARK/MISSION, a Joint Venture** for the FIS Building Superstructure/APM Station & Platform at George Bush Intercontinental Airport/Houston (Project 500F/536C) - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. ORDINANCE 2004-0269 ADOPTED.

PROPERTY

38. RECOMMENDATION from Director Department of Public Works & Engineering, **TO AMEND MOTION #2004-100, 1/28/04**, which authorized the sealed bid sale of Parcel S95-084, **TO APPOINT** one replacement independent real estate appraiser for said parcel - **APPRAISER DISTRICT I - ALVARADO - REQUIRES THREE MOTIONS** – was presented.

Council Member Alvarado moved to suspend the rules for the purpose of reconsidering Motion 2004-0100, 1/28/04, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Edwards out of the city on city business. MOTION 2004-0350 ADOPTED.

Council Member Alvarado moved that Motion 2004-0100, 1/28/04, be brought back to Council for reconsideration, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Edwards out of the city on city business. MOTION 2004-0351 ADOPTED.

Council Member Alvarado named Mr. George Coleman as appraiser and moved approval of the recommendation, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Edwards out of the city on city business. MOTION 2004-0352 ADOPTED.

MATTERS HELD - NUMBERS 39 through 43

39. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,428,159.00 and acceptance of work on contract with **METSO AUTOMATION, INC** for Wastewater SCADA System - Major Plant Integration, GFS R-0512-04-3 (4749-1) – **(This was Item 10 on Agenda of March 31, 2004, TAGGED BY COUNCIL MEMBER GREEN)** – was presented.

Council Member Galloway stated that on Item No. 39 they did not meet their MWBE goals and there was no explanation given, that normally the Affirmative Action Department checked into those situations to give some reason as to why the goals were not met, that she would like to get some explanation.

Council Member Galloway moved to postpone Item No. 39 for one week, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards out of the city on city business. ORDINANCE 2004-0353 ADOPTED.

40. ORDINANCE approving and authorizing second amendment to contract between the City of Houston and **RANGER SPECIALIZED GLASS, INC** for Glass Replacement & Repair Services for Various Departments (as approved by Ordinance No. 97-1596) – **(This was Item 31 on Agenda of March 31, 2004, TAGGED BY COUNCIL MEMBERS LAWRENCE AND GARCIA)** – was presented. Council Member Lawrence and Ellis voting no, balance voting aye. Council Member Edwards out of the city on city business. ORDINANCE 2004-0270 ADOPTED.

Mayor White asked Council Member Lawrence if there were reasons she wished to share with him regarding insights she had on the item he would appreciate it.

41. ORDINANCE appropriating \$964,524.98 out of Series E Commercial Paper Metro Projects Fund, awarding contract to **TJ&T ENTERPRISES, INC** for Kingwood Drive Paving from Willow Terrace Drive to Hidden Lakes Drive, GFS N-0644G-01-3 (SB9009-02); providing funding for engineering, testing, and contingencies relating to construction of facilities financed by the Series E Commercial Paper Metro Projects Fund - **DISTRICT E** –

WISEMAN – (This was Item 34 on Agenda of March 31, 2004, TAGGED BY COUNCIL MEMBER GALLOWAY) – was presented.

Council Member Wiseman stated that she had some questions on Item No. 41 regarding the construction of the project which indicated a bonus for early completion, which encompassed the right to construct 24/7 and it was a residential area, that she had some concerns there.

Council Member Wiseman moved to postpone Item No. 41 for one week, seconded by Council Member Quan. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Galloway absent. MOTION 2004-0354 ADOPTED.

Mayor White stated to Council Member Berry that on one of the package of items that was recommended to him by the Mayor's Office on Mobility was a change or modification in the decibel levels in the Noise Ordinance that would allow them to do relatively more 24/7 construction projects so that the decibel level would come more up to the standards in other areas, including TXDOT, but because of that very reason was one of the few he deferred, and the issue of how they did more expedited construction so residential areas were not inconvenienced and they moved traffic along but did not interfere with neighborhoods and what the standard should be was one on which, it was a difficult issue, and the administration would appreciate Council Member Berry's committee giving some guidance on that particular issue sometime in the course of the year, that he knew it was one of the reasons, as they investigated, that they were not doing more projects that were in highly congested areas on an expedited basis where the Noise Ordinance came up.

42. ORDINANCE appropriating \$663,050.00 out of Street & Bridge Consolidated Construction Fund, \$151,300.00 out of Water & Sewer System Consolidated Construction Fund, and \$75,650.00 out of Storm Sewer Consolidated Construction Fund as an additional appropriation under a program management contract between the City and **ATSER, L.P.** (approved by Ordinance No. 99-0661) CIP N-0668-05-2 (N-0668-05) – **(This was Item 39 on Agenda of March 31, 2004, TAGGED BY COUNCIL MEMBER GALLOWAY)** – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Garcia absent. ORDINANCE 2004-0271 ADOPTED.
43. ORDINANCE appropriating \$4,138,675.92 out of Water & Sewer Contributed Capital Fund, \$891,039.27 from the Street & Bridge Consolidated Construction Fund and \$73,184.81 from the Water & Sewer System Consolidated Construction Fund awarding contract to **HUFF & MITCHELL, INC** for 36-inch Water Line along Westview and Wisterwood from Clarborough to Old Katy Road, GFS S-0900-85-3 (WA10624-03); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer Contributed Capital Fund, Street & Bridge Construction Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICT A – LAWRENCE – (This was Item 51 on Agenda of March 31, 2004, TAGGED BY COUNCIL MEMBER GALLOWAY)** – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Garcia absent. ORDINANCE 2004-0272 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Hoim stated that the hearts of all of District G were saddened as they shared their condolences, sympathy and prayers with the family of Mr. Kevin Kulow, the firefighter who lost his life on Sunday, as well as Ms. Linda Masserie, who suddenly died and was part of the District E team, that their prayers were extended for a speedy recovery for

Captain Walterbach, who also received injuries in the fire on Sunday. Council Member Garcia absent.

Council Member Alvarado stated that she too joined her colleagues in sending their condolences to the entire Fire Department and Mr. Kulow's family, that she wanted to remind her colleagues if anyone wished to go to the funeral they would have a van that would take them. Council Member Garcia absent.

Council Member Sekula-Gibbs stated that she too wanted to share in the condolences to the family of Mr. Kulow and to Ms. Masserie's family and wished a speedy recovery to Captain Walterbach. Council Member Garcia absent.

Council Member Khan stated that he wanted to share the sentiments expressed by his colleagues and expressed his condolences to the family of the victim and the entire Fire Department, that his prayers were with them and definitely in gratitude of their services. Council Member Garcia absent.

Council Member Quan stated that while he thought there was a great time of sorrow, at this time of year there was also a time of renewal as they celebrated Easter and Passover, there was a great deal of unrest throughout the world that they saw everyday in the newspapers and wanted to wish people the joy of Easter and the peace that it came with. Council Member Garcia absent.

Council Member Berry stated that he wanted to commend a couple of people within the Fire Department, who during a very difficult time gave a lot of themselves to smooth the transition, firefighter Ken Ramrath, Chaplain Blackman and all of the firefighters who had spent a lot of their time helping and consoling the family through this time, that he wanted to commend the Mayor for his leadership, because on Sunday he was there on the scene, he was there with the firefighters and drove QLJ.UQ Sealy and spent time with the family, that a lot of the firefighters had remarked and commented on that and thought it meant a lot to them and showed great leadership. Council Member Garcia absent.

Council Member Berry stated that he wanted to commend the HPD officers who had presently a suspect in hand with regard to the Rice shooting, that he thought they did a wonderful job communicating with the Rice Village Alliance and with City Council, that they deserved their commendation. Council Member Garcia absent.

Council Member Berry stated that he wanted to commend Mr. Andre Ware for his induction into the College Football Hall of Fame. Council Member Garcia absent.

Council Member Ellis stated that he also wanted to commend the Local 341 for their efforts, that he had gotten a call from Mr. Roland Chavez letting him know that they did have a fallen firefighter and the work that they did on Sunday and had done on Monday and Tuesday, that they were bragging on the Mayor and the fact that he was with them and the family of the fallen firefighter and thought that said a lot, that he wanted to make sure they did not forget Linda, a wonderful person, that he just came to know her about six months ago and she was a beautiful person who worked for the City and gave her life to individuals through the City. Council Member Garcia absent.

Council Member Ellis stated that tonight at 6:00 p.m. he and Council Member Khan would be holding a townhall meeting with regard to the construction projects that would be taking place in the Sharpstown TIRZ, the projects that they would be working on primarily would be Bellaire and Fondren, which were major boulevards which ran through a heavily populated area, so he wanted to make sure that the people in that area were put on notice of the projects that were occurring. Council Member Garcia absent.

Council Member Ellis stated that about a month ago he requested some ideas on how to operate the budget workshops and encouraged the Council Members who had gone through the budget workshops if they had some suggestions he was all ears and they would try to make the workshops as painless as possible. Council Member Garcia absent.

Council Member Goldberg stated that he wanted to offer his condolences to the Fire Department, that it never gets easier and made them appreciate and think more about the fact that police, fire and EMS sometimes had to lay their lives on the line and the service that they gave to the City. Council Member Garcia absent.

Council Member Wiseman stated that she wanted to also extend her sympathy to the firefighters of Houston, that they had lost a coworker and wanted to thank her colleagues for their kind words and support, that Linda was a wonderful woman and had worked for the City for eleven years, that she was very young at heart, that many of them had an opportunity to get to know her and share her wit and enjoy her wonderful laugh, that she truly loved the City and her job, that she was survived by her two sons, Frankie and Todd Jimenez, that her sons were having a visitation and memorial service this evening and it would mean a great deal to her family and office family if they could attend, that visitation was from 5:00 p.m. to 7:00 p.m. at Bellaire Funeral Home and was a celebration of her life, that she extended her condolences to her family. Council Member Garcia absent.

Council Member Galloway stated that she too wanted to offer her condolences to the fallen firefighter as well as the entire Fire Department family, and also to Linda's family, that they had lost another highly honored citizen of the Houston Community, Mrs. Lewis J. Bailey, who taught 51 years in the Houston Independent School District, that she passed away yesterday, that she had touched many lives in the City, that she contributed a lot politically as well as the educational field in the City, that she wanted to offer her condolences to the family. Council Member Garcia absent.

Council Member Galloway stated that she was dealing with a problem in her district, it was the MDI Site, that Dr. Berger in the EPA Department received a grant from the EPA to do an assessment of an MDI Site in the Fifth Ward area known as TESCO, they spent many hours gathering data and information from the community and to get input as to what they wanted to reuse the site for, that it was the first step in the Super Fund Site, the community had many meetings and finally a report was generated and sent to the EPA as to what the community wanted, that EPA came down and had a meeting in the community and told the community that all of the work that had been done was of no use for what they wanted to reuse the property for in their community, that she had spoken to Dr. Berger about why the EPA changed and had not yet heard any information about it and Dr. Berger had not heard from the EPA, that she wanted the administration to look into it because they wanted to find out why the EPA would do something like that to the community. Council Members Garcia and Berry absent.

Council Member Galloway stated that she would be hosting a townhall meeting on Thursday at Kashmere Garden Multi Service Center and would include the residents of the Kashmere Garden, Liberty Garden and Trinity Garden communities and would be from 7:00 p.m. to 8:30 p.m., that on Monday, April 12, 2004, they would be hosting one for the Settegast, Houston Garden and Rosewood communities and would be at the Sweet Home Baptist Church at 7104 Homestead. Council Members Garcia and Berry absent.

Council Member Green stated that he wanted to join in with his colleagues in sending out prayers to the Kevin Kulow family, including the Fire Department and all of his colleagues, that since it had been ruled an arson he would like to encourage the public, if they knew anything about the fire and its origin, to come forward with any information regarding the fire at the nightclub in Spring Branch. Council Members Garcia, Alvarado and Berry absent.

Council Member Green stated that wanted to give kudos to Sergeant Cary Klausner, he

witnessed the truck safety enforcement operation team last week and Sergeant Klausner was doing a great job in taking dangerous trucks off of the roads and protecting the citizens, that his hat went off to him and his entire crew. Council Members Garcia, Alvarado and Berry absent.

Council Member Green stated that he attended the River Oaks Elementary 75th anniversary last week, that there were people all the way from the graduating class of 1929 who were present, that it was a great event. Council Members Garcia, Alvarado and Berry absent.

Council Member Green stated that the University of Houston Black Alumni was hosting its Spring Fling from April 30 to May 2, 2004, that it was a reunion of sorts for the alumni. Council Members Garcia, Alvarado and Berry absent.

Council Member Green stated that on April 24, 2004, at the George R. Brown Convention Center, his office would be hosting a seminar titled "The Nuts and Bolts of Community Development" and they were bringing people from many of the City Departments that dealt with housing and urban development and really put the information in the hands of the citizens so that maybe they could do some one stop shopping, that they would have financial institutions and people from the City Attorney's office. Council Members Garcia, Alvarado and Berry absent.

Council Member Green stated that this morning his office provided the breakfast for Council and wanted to commend Angele Creuzot, from Creuzo Cuizine, who was the caterer and gave kudos to his wife who coordinated it. Council Members Garcia, Alvarado and Berry absent.

Council Member Lawrence stated that she wanted to give condolences to the family of Mr. Kulow, the fallen firefighter and would like express her prayers to all the three firefighters who had major injuries in the fire and also encouraged anyone who had information to come forward to HPD and Crime Stoppers, and asked for a moment of silence for Ms. Linda Masserie and Mr. Kevin Kulow. Council Members Ellis, Garcia, Alvarado and Berry absent.

Mayor White stated that he wanted to highlight why April was a particularly busy month, that there would be a matter on the electricity contract for the City of Houston, that he had asked Council Member Alvarado and the Agenda Director to help make sure that they were being responsive as an administration to the issues that people had, that with the budget issues they were facing they were going to have to base it on economic considerations, that they would have issues concerning flooding, water, sewer, GO financing and thought those would be right for posting on Friday, that they wanted the opportunity for full discussion, that he wanted members of his staff to make sure Mr. Baldwin first briefed him and then Council Member Wiseman on a particular issue that she asked him about on water and sewer; that he and Ms. Daisy Stiner probably set a record in the last month with the help of many departments with the amount they had done in CDBG neighborhoods; that he would be throwing out the first pitch at the Astros baseball game tonight. Council Members Goldberg, Garcia and Berry absent.

There being no further business before Council, the City Council adjourned at 10:06 a.m. upon MOTION by Council Member Alvarado, seconded by Council Member Garcia. Mayor White and Council Members Galloway, Wiseman, Khan, Garcia, Alvarado, Quan, Sekula-Gibbs, Green and Berry absent. Vice Mayor Pro Tem Goldberg presiding. NO QUORUM PRESENT DETAILED INFORMATION ON FILE IN THE OFFICE OF THE CITY SECRETARY.

MINUTES READ AND APPROVED

Anna .Russell, City Secretary